IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 292 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ANJUBEN D/O MAGANLAL SARDARMALSHAH

Versus

PANKILKUMAR KHANDUBHAI DESAI

Appearance:

1. Appeal from Order No. 292 of 2004

MR JB PARDIWALA for Appellant No.

HL PATEL ADVOCATES for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 16/02/2005

ORAL JUDGEMENT

1. The appellant has preferred this appeal from order being aggrieved by the order dated 13/07/2004 passed below exh.5 by the learned Civil Judge (S.D.), Valsad in Special Civil Suit No.176 of 2003, whereby the said application was rejected.

2. This Court by order dated 17/09/2004 passed in Civil Application No.6336 of 2004 had confirmed the ad-interim relief granted earlier. Now as interim relief is operating, it would be appropriate to direct the parties to maintain status quo, till the suit pending before the said Court is finally disposed of.

3. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the facts and circumstances of the case, I am of the opinion that ends of justice would be met if the trial Court is directed to expedite the hearing of the suit while continuing the interim relief granted by this Court.

4. Therefore, without entering into the merits of the matter, the trial Court is directed to expedite the hearing of the suit being Special Civil Suit No.176 of 2003 pending before the Court of the learned Civil Judge (S.D.), Valsad and to dispose it of within a period of six months, if it is already ripe for hearing; otherwise, within a period of one year from the date of receipt of writ of this order.

5. With the above observations and directions, the Appeal from Order stands disposed of. Parties are directed to maintain status quo granted by this Court till the said suit is finally disposed of. Office is directed to send writ of this order forthwith.

[K. S. JHAVERI, J.]
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